

**State of California
Office of Administrative Law**

In re:
**Commission on Peace Officer Standards and
Training**

Regulatory Action:

Title 11, California Code of Regulations

Amend sections: 1005, 1007, 1008, 1059

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Government Code Section 11349.3

OAL Matter Number: 2021-0824-01

OAL Matter Type: Regular (S)

This action by the Commission on Peace Officer Standards and Training (POST) requires presenters to notify the POST Basic Training Bureau when 15 percent or more of students attending a course fail any scenario or exercise test required by POST.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on January 1, 2022.

Date: October 5, 2021



Nicole C. Carrillo
Attorney

For: Kenneth J. Pogue
Director

Original: Manuel Alvarez, Jr., Executive
Director

Copy: Anita Finner

APPROVED TEXT OF PROPOSED REGULATION ACTION

Testing and Notification Requirements for Basic Course Presenters

Commission Regulations 1005, 1007, and 1008; and Commission Procedure D-1, Basic Training

§ 1005. Minimum Standards for Training. (Refer to Commission Regulation 1007 and Commission Procedure H for *Reserve Peace Officer Training Standards*.)

(a) Minimum Entry-Level Training Standards (Required)

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PAM Section D-1-3 adopted effective April 15, 1982, and amended January 24, 1985, September 26, 1990, January 14, 1994, July 16, 1994, December 16, 1994, August 16, 1995, August 7, 1996, November 27, 1996, February 22, 1997, August 16, 1997, December 4, 1997, January 1, 2001, January 1, 2002, April 10, 2002, January 1, 2004, September 15, 2004, January 1, 2006, January 19, 2007, July 1, 2007, January 1, 2009, May 3, 2012, July 21, 2012, April 1, 2014, October 1, 2014, April 1, 2016, ~~and~~ February 15, 2017, and January 1, 2022, is herein incorporated by reference.

PAM Section D-1-4 adopted effective October 20, 1983, and amended September 26, 1990, October 27, 1991, January 14, 1994, May 7, 1995, July 21, 2000, January 1, 2001, July 1, 2002, September 15, 2004, January 1, 2006, January 19, 2007, July 1, 2007, January 1, 2009, May 3, 2012, October 1, 2014, April 1, 2016, ~~and~~ February 15, 2017, and January 1, 2022, is herein incorporated by reference.

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PAM Section D-1-7 adopted effective January 1, 2004, and amended September 15, 2004, January 1, 2006, January 1, 2009, May 3, 2012, October 1, 2014, April 1, 2016, ~~and~~ February 15, 2017, and January 1, 2022, is herein incorporated by reference.

Note: Authority cited: Sections 832.1, 832.3, 832.6, 13503, 13506, 13510, 13510.3, 13510.5, 13515.26 and 13519.8, Penal Code. Reference: Sections 830.33, 832, 832.1, 832.3, 832.6, 835a, 13506, 13510, 13510.3, 13510.5, 13511, 13513, 13514, 13515.29, 13515.295, 13516, 13517, 13519.8, 13519.10, 13520 and 13523, Penal Code.

§ 1007. Reserve Officer Minimum Training Standards.

(a) Every reserve peace officer shall be trained in conformance with the following requirements:

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PAM Section D-1-3 adopted effective July 1, 1999, and amended January 1, 2001, April 10, 2002, September 15, 2004, January 1, 2006, January 19, 2007, July 1, 2007, January 1, 2008, July 1, 2008, January 1, 2009, July 1, 2009, January 1, 2010, May 3, 2012, July 21, 2012, April 1, 2014, October 1, 2014, April 1, 2016, ~~and~~ February 15, 2017, and January 1, 2022, is herein incorporated by reference.

PAM Section H-1 adopted effective July 15, 1982, and amended June 15, 1990, February 22, 1996, September 12, 1998, and July 1, 1999, is herein incorporated by reference.

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Note: Authority cited: Sections 832.3, 832.6, 13503, 13506, 13510 and 13515.26, Penal Code.

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Testing and Notification Requirements for Basic Course Presenters

Commission Regulations 1005, 1007, and 1008; and Commission Procedure D-1, Basic Training

Reference: Sections 832.2, 832.3, 832.6, 835a, 13503, 13506, 13510, 13510.5, 13512 and 13519.10, Penal Code; Section 48412, Education Code; and Section 1031(d), Government Code.

1008. Basic Course Waiver and Qualification Requirements.

(a) Purpose of Qualification.

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(f) Qualification Course Requirements

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(3) Testing Requirements

(A) All students shall be tested as specified in the Qualification Course Specifications. For the learning domain(s) being assessed in a particular test, refer to the "Minimum Content Hourly Requirements" page for the Qualification Course Specifications.

(B) The Qualification Course includes the following tests:

1. POST-Constructed Comprehensive Test - The minimum passing score is established by POST. Only individuals who have completed POST-provided proctor training shall administer and score this test.
2. Exercise Test - Presenters shall require each student to demonstrate proficiency in the competencies required by each exercise test. Proficiency means that the student performed at a level acceptable to the presenter.

(4) Retests - Presenters shall provide each student who fails a required initial test or exercise test an opportunity to retest. Students being retested on the POST-Constructed Comprehensive Test shall be retested using an alternative form of the test. Only one retest is permitted. If the student fails the retest, the student shall fail the course.

(5) Presenters shall notify the POST Basic Training Bureau when 15% or more of the students attending the course fail any POST-required scenario or exercise test, to include both initial test(s) and retest(s). Notification shall be made within 24 hours of the failure(s). Test failures of 15% or more shall be based on the total class size at the time of test administration.

(g) Qualification Requirements for the Regular Basic Course - Module III

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Note: Authority cited: Sections 832.3, 13503, 13506, 13510 and 13515.26, Penal Code.

Reference: Sections 832.3, 835a, 13505, 13506, 13510, 13510.5, 13511 and 13519.10, Penal Code.

1059. Requirements for Basic Course Certification.

(a) Instructor-Led Basic Course Training

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Testing and Notification Requirements for Basic Course Presenters

Commission Regulations 1005, 1007, and 1008; and Commission Procedure D-1, Basic Training

Commission Procedure Section D-1-3 adopted effective April 15, 1982, and amended January 24, 1985, September 26, 1990, January 14, 1994, July 16, 1994, December 16, 1994, August 16, 1995, August 7, 1996, November 27, 1996, February 22, 1997, August 16, 1997, December 4, 1997, January 1, 2001, January 1, 2002, April 10, 2002, January 1, 2004, September 15, 2004, January 1, 2006, January 19, 2007, July 1, 2007, January 1, 2009, May 3, 2012, July 21, 2012, April 1, 2014, October 1, 2014, April 1, 2016, ~~and~~ February 15, 2017, ~~and~~ [January 1, 2022](#), is herein incorporated by reference.

Commission Procedure Section D-1-4 adopted effective October 20, 1983, and amended September 26, 1990, October 27, 1991, January 14, 1994, May 7, 1995, July 21, 2000, January 1, 2001, July 1, 2002, September 15, 2004, January 1, 2006, January 19, 2007, July 1, 2007, January 1, 2009, May 3, 2012, October 1, 2014, April 1, 2016, ~~and~~ February 15, 2017, ~~and~~ [January 1, 2022](#), is herein incorporated by reference.

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Commission Procedure Section D-1-7 adopted effective January 1, 2004, and amended September 15, 2004, January 1, 2006, January 1, 2009, May 3, 2012, October 1, 2014, April 1, 2016, ~~and~~ February 15, 2017, ~~and~~ [January 1, 2022](#), is herein incorporated by reference

Commission Procedure D-1, Basic Training

Purpose

1-1. Basic Training

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1-3. Regular Basic Course Terminology and Requirements

The terms related to the Regular Basic Course formats and included in the Training and Testing Specifications for Peace Officer Basic Courses are defined in Section D-1-3(a). Requirements for the delivery formats are specified in Section [D-1-3\(d\)](#), standard format; and Section [D-1-3\(e\)](#), modular format.

(a) Regular Basic Course Terminology

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(d) RBC-Standard Format-Training, Testing, and Hourly Requirements

The training, testing, and hourly requirements in this section apply to the RBC-standard format [defined in Section D-1-3(a)(7)(A)].

(1) Training Requirements

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Testing and Notification Requirements for Basic Course Presenters

Commission Regulations 1005, 1007, and 1008; and Commission Procedure D-1, Basic Training

(2) Testing Requirements

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(D) Notification Requirements

Prior to retesting, the presenter shall notify the employing department when a student has failed an initial test. If the presenter is unable to notify the department, due to extenuating circumstances, they shall document the reasons the notification was not made.

Presenters shall notify the POST Basic Training Bureau when 15% or more of the students attending the course fail any POST-required scenario or exercise test, to include both initial test(s) and retest(s). Notification shall be made within 24 hours of the failure(s). Test failures of 15% or more shall be based on the total class size at the time of test administration.

~~(DE)~~ Retests

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(e) RBC-Modular Format - Prerequisites, Training, Testing, and Hourly Requirements

The prerequisites, training, testing, and hourly requirements in this section apply to the RBC-modular format [as defined in Section D-1-3(a)(7)(B)].

(1) Prerequisites

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(3) Testing Requirements

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~~(F) Pilot Testing~~

~~Academies may administer POST-developed tests for research purposes, as necessary.~~

(F) Notification Requirements

Prior to retesting, the presenter shall notify the employing department when a student has failed an initial test. If the presenter is unable to notify the department, due to extenuating circumstances, they shall document the reasons the notification was not made.

Presenters shall notify the POST Basic Training Bureau when 15% or more of the students attending the course fail any POST-required scenario or exercise test, to include both initial test(s) and retest(s). Notification shall be made within 24 hours of the failure(s). Test failures of 15% or more shall be based on the total class size at the time of test administration.

(G) Retests

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Testing and Notification Requirements for Basic Course Presenters

Commission Regulations 1005, 1007, and 1008; and Commission Procedure D-1, Basic Training

Academies/presenters shall provide each student who fails a required initial test an opportunity to retest.

1. Comprehensive, Scenario, and Report Writing Tests

- a. Students shall be retested using an alternate form of the test.
- b. If the student fails the retest, the student fails the course.

2. Exercise Test and WSTB

- a. Students shall be retested on the failed test.
- b. If the student fails the retest, the student fails the course.

(H) Pilot Testing

Academies may administer POST-developed tests for research purposes, as necessary.

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1-4. Specialized Investigators' Basic Course Terminology and Requirements

The terms related to the SIBC and included in the Training and Testing Specifications for Peace Officer Basic Courses are defined in Section D-1-4(d). Testing, training, and hourly requirements are described in Section D-1-4(d).

(a) Specialized Investigators' Basic Course Terminology

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(d) Training, Testing, and Hourly Requirements

(1) Training Requirements

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(2) Testing Requirements

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(C) Notification Requirements

Prior to retesting, the presenter shall notify the employing department when a student has failed an initial test. If the presenter is unable to notify the department, due to extenuating circumstances, they shall document the reasons the notification was not made.

Presenters shall notify the POST Basic Training Bureau when 15% or more of the students attending the course fail any POST-required scenario or exercise test, to include both initial test(s) and retest(s). Notification shall be made within 24 hours of the failure(s). Test failures of

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Testing and Notification Requirements for Basic Course Presenters Commission Regulations 1005, 1007, and 1008; and Commission Procedure D-1, Basic Training

15% or more shall be based on the total class size at the time of test administration.

~~(C) Pilot Test~~

~~Academies may administer POST-developed tests for research purposes, as necessary.~~

(D) Retests

Presenters shall provide each student who fails a required initial test an opportunity to retest.

1. Comprehensive, Scenario, and Report Writing Tests

- a. Students shall be retested using an alternate form of the test.
- b. If the student fails the retest, the student fails the course.

2. Exercise Tests

- a. Students shall be retested on the failed test.
- b. If the student fails the retest, the student fails the course.

(E) Pilot Test

Academies may administer POST-developed tests for research purposes, as necessary.

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1-5. Public Safety Dispatchers' Basic Course Terminology and Requirements

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1-6. Coroners' Death Investigation Course

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1-7. PC 832 Arrest and Firearms Course Terminology and Requirements

The terms related to the PC 832 Arrest and Firearms Course and included in the Training and Testing Specifications for Peace Officer Basic Courses are defined in Section D-1-7(a). The requirements described in this section are for separately certified PC 832 Arrest and Firearms Courses only. The PC 832 training is presented as two components and individuals may elect to complete Arrest, Firearms, or both. Training, testing, and hourly requirements are described in Section D-1-7(d).

(a) PC 832 Arrest and Firearms Course Terminology

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Testing and Notification Requirements for Basic Course Presenters

Commission Regulations 1005, 1007, and 1008; and Commission Procedure D-1, Basic Training

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(d) Training, Testing, and Hourly Requirements

(1) Training Requirements

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(2) Testing Requirements

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(C) Notification Requirements

Prior to retesting, the presenter shall notify the employing department when a student has failed an initial test. If the presenter is unable to notify the department, due to extenuating circumstances, they shall document the reasons the notification was not made.

Presenters shall notify the POST Basic Training Bureau when 15% or more of the students attending the course fail any POST-required scenario or exercise test, to include both initial test(s) and retest(s). Notification shall be made within 24 hours of the failure(s). Test failures of 15% or more shall be based on the total class size at the time of test administration.

(C/D) Retests

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